



IFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Codani, Jean-Jacques et al.

Serial No.: 10/723,522

Filing Date: November 26, 2003

For: *Systems and Methods for Sequence
Comparison*

Attorney Docket No.: GIO-001.01

Art Unit: 1645

Examiner: Not yet assigned

CERTIFICATE OF FIRST CLASS MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, Washington, D.C. 20231 on January 5, 2005.

John Barretto

Mail Stop Petition
Commissioner for Patents
Washington, DC 20231

Dear Sir:

REQUEST FOR RECONSIDERATION OF PETITION UNDER 37 C.F.R. § 1.47(a)

In response to the Decision Dismissing Status under 37 C.F.R. § 1.47(a) mailed November 23, 2004, Applicants respectfully petition the Commissioner to reconsider and allow the available joint inventors to make the above-captioned application for patent on behalf of themselves, and on behalf of Eric Glémet, a joint inventor who has refused to join the invention. The Decision Dismissing Status under 37 C.F.R. § 1.47(a) indicates that the "declaration presented with the instant petition is unacceptable as it contains alterations that have not been initialed." Applicants now submit a declaration that does not include alterations and is signed by inventors Codani, Dufresne, Duval, Heus, and Takacs.

For the Commissioner's convenience, Applicants also include a duplicate of the Statement of Facts by Jennifer Holmes and Jean-Jacques Codani and the attached exhibits submitted with the original Petition. As that Petition noted, Applicants have made diligent

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efforts to obtain Eric Glémet's signature on the Declaration for Patent Application for the above-captioned application.

The Commissioner is authorized to charge the fee of \$200.00 as set forth in §1.17(g) or credit any overpayment or charge any deficiencies to/from our **Deposit Account No. 06-1448; Reference No. GIO-1.01.**

Applicants respectfully submit that despite diligent effort, Applicants have been unable to obtain the signature of Eric Glémet on the Declaration for Patent Application. Thus, Applicants respectfully petition, under 37 C.F.R. §1.47(a), that the remaining joint inventors be allowed to make the above-captioned application for patent on behalf of non-signing inventor Eric Glémet.

Respectfully submitted,

Customer No. 25181

Patent Group


FOLEY, HOAG LLP

155 Seaport Blvd.

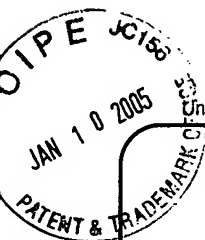
Boston, MA 02210-2600

Telephone: (617) 832-1000

Facsimile: (617) 832-7000

By: 
Theresa C. Kavanaugh
Reg. No. 50,356
Agent for Applicants

Dated: January 5, 2005



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PETITION FEE
Under 37 CFR 1.17(f), (g) & (h)
TRANSMITTAL

(Fees are subject to annual revision)

Send completed form to: Commissioner for Patents
P.O. Box 1450, Alexandria, VA 22313-1450

Application Number	10/723,522
Filing Date	November 26, 2003
First Named Inventor	Jean-Jacques Codani et al.
Art Unit	1645
Examiner Name	Not yet known
Attorney Docket Number	GIO-001.01

Enclosed is a paper filed under 37 CFR 1.47(a) that requires a processing fee (37 CFR 1.17(f), (g), or (h)). Payment of \$ 200.00 is enclosed.

This form should be included with the above-mentioned paper and faxed or mailed to the Office using the appropriate Mail Stop, (e.g., Mail Stop Petition), if applicable. For transmittal of petition fees under 37 CFR 1.17(i) see form PTO/SB/17i.

Payment of Fees (small entity amounts are NOT available for the petition fees)

- ☒ The Commissioner is hereby authorized to charge the following fees to Deposit Account No. 06-1448 :
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Enclose a duplicative copy of this form for fee processing.

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Petition Fees under 37 CFR 1.17(f): Fee \$400 Fee Code 1462

For petitions filed under:

- § 1.53(e) - to accord a filing date.
- § 1.57(a) - to accord a filing date.
- § 1.182 - for decision on a question not specifically provided for.
- § 1.183 - to suspend the rules.
- § 1.378(e) - for reconsideration of decision on petition refusing to accept delayed payment of maintenance fee in an expired patent.
- § 1.741(b) - to accord a filing date to an application under § 1.740 for extension of a patent term.

Petition Fees under 37 CFR 1.17(g): Fee \$200 Fee Code 1463

For petitions filed under:

- § 1.12 - for access to an assignment record.
- § 1.14 - for access to an application.
- § 1.47 - for filing by other than all the inventors or a person not the inventor.
- § 1.59 - for expungement of information.
- § 1.103(a) - to suspend action in an application.
- § 1.136(b) - for review of a request for extension of time when the provisions of section 1.136(a) are not available.
- § 1.295 - for review of refusal to publish a statutory invention registration.
- § 1.296 - to withdraw a request for publication of a statutory invention registration filed on or after the date the notice of intent to publish issued.
- § 1.377 - for review of decision refusing to accept and record payment of a maintenance fee filed prior to expiration of a patent.
- § 1.550(c) - for patent owner requests for extension of time in *ex parte* reexamination proceedings.
- § 1.956 - for patent owner requests for extension of time in *inter partes* reexamination proceedings.
- § 5.12 - for expedited handling of a foreign filing license.
- § 5.15 - for changing the scope of a license.
- § 5.25 - for retroactive license.

Petition Fees under 37 CFR 1.17(h): Fee \$130 Fee Code 1464

For petitions filed under:

- § 1.19(g) - to request documents in a form other than that provided in this part.
- § 1.84 - for accepting color drawings or photographs.
- § 1.91 - for entry of a model or exhibit.
- § 1.102(d) - to make an application special.
- § 1.138(e) - to expressly abandon an application to avoid publication.
- § 1.313 - to withdraw an application from issue.
- § 1.314 - to defer issuance of a patent.

Signature

Theresa C. Kavanaugh

Typed or printed name

January 5, 2005

Date

50,356

Registration No., if applicable

This collection of information is required by 37 CFR 1.17. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 5 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As a below-named inventor, I hereby declare that:

My residence, post-office address, and citizenship are as stated below next to my name.

I believe I am an original, first, and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled SYSTEMS AND METHODS FOR SEQUENCE COMPARISON, the specification of which was filed on November 26, 2003, and accorded Serial Number 10/723,522.

I hereby state that I have reviewed and understand the contents of the above-identified application specification, including the claims, as amended by any amendment specifically referred to herein.

I acknowledge the duty to disclose all information known to me that is material to patentability in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below:

U.S.S.N. 60/429,965 filed November 29, 2002

I hereby claim foreign priority benefits under Title 35, United States Code §119(a)-(d) or (f), or §365(b), of any foreign application(s) for patent or inventor's or plant breeder's rights certificate(s), or §365(a) of any PCT international application that designated at least one country other than the United States of America, listed below:

None

I have also identified below any foreign application for patent or inventor's certificate filed by me on the same subject matter having a filing date before that of the application on which priority is claimed:

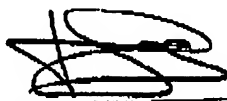
None

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below, and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information that is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 that became available between the filing date of the prior application and the national or PCT international filing date of this application.

None

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint the attorneys and agents at Customer Number 25181 jointly, and each of them severally, my attorneys and attorney, with full power of substitution, delegation, and revocation, to prosecute this application, to make alterations and amendments therein, to receive the patent, and to transact all business in the Patent and Trademark Office connected therewith. Please direct all telephone calls to Kevin A. Oliver at (617) 832-1241. Please address all correspondence to Patent Group, Foley Hoag LLP, 155 Seaport Blvd., Boston, MA 02210-2600.



Jean-Jacques Codani

Sep. 15 / 2004

Date

Residence:

10, rue du Fort
Rueil-Malmaison, FRANCE
92500

Citizenship

France

Post-Office Address:

Same as residence

Guillaume 20/09/04
Guillaume Dufresne Date

Residence: 71 Bis avenue Tombe d'Issoire
Paris, FRANCE 75014

Citizenship France

Post-Office Address: Same as residence

Manuel Duval
Manuel Duval Date

Residence: 195 Michelle Lane, Apt. 106
Groton, CT 06340

Citizenship United States of America

Post-Office Address: Same as residence

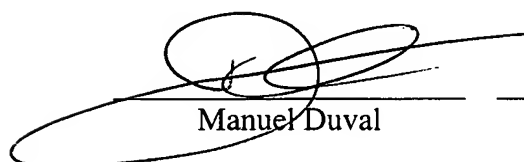
Eric Glemet
Eric Glemet Date

Residence: 4 rue Moliere
Courbevoie, FRANCE
92400

Citizenship France

Post-Office Address: Same as residence

<u>Guillaume Dufresne</u>	<u>Date</u>
Residence:	71 Bis avenue Tombe d'Issoire Paris, FRANCE 75014
Citizenship	France
Post-Office Address:	Same as residence

 <u>Manuel Duval</u>	<u>12/21st/2004</u> Date
--	--

Residence:	11 Woodlawn Road New London, CT 06320
Citizenship	France
Post-Office Address:	Same as residence

<u>Eric Glemet</u>	<u>Date</u>
Residence:	4 rue Moliere Courbevoie, FRANCE 92400
Citizenship	France
Post-Office Address:	Same as residence

HCHeus. 20 / 09 / 04
Hendrik Cornelis Heus Date

Residence: 41bis, Rue de 4 Septembre
Rueil-Malmaison, FRANCE 92500

Citizenship The Netherlands

Post-Office Address: Same as residence

L. Kristof 16 / 09 / 04
Laszlo Kristof Takacs Date

Residence: 816 Pamela Wood Street
Newbury Park, CA 91320

Citizenship United States of America

Post-Office Address: Same as residence



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Codani, Jean-Jacques et al.)	Attorney Docket No.: GIO-001.01
)	
Serial No.: 10/723,522)	Art Unit: 1645
)	
Filing Date: November 26, 2003)	Examiner: Not yet assigned
)	
For: <i>Systems and Methods for Sequence</i>)	
<i>Comparison</i>)	

STATEMENT OF FACTS SUBMITTED BY JENNIFER HOLMES
IN SUPPORT OF PETITION UNDER 37 C.F.R. § 1.47

The undersigned submits the following statement of facts in support of the Petition under 37 C.F.R. §1.47:

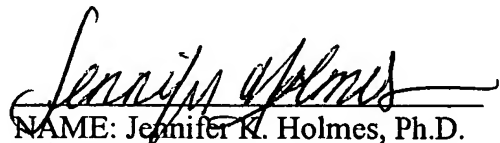
1. The last known address of Eric Glémet is 4 rue Moliere, Courbevoie, France, 92400.
2. On information and belief, Eric Glémet's contribution to the conception of the invention claimed in the above-captioned application was made during and pursuant to his employment at Gene-IT.
3. The above-captioned application claims priority to United States provisional patent applications 60/429,965.
4. Jean-Jacques Codani, Guillaume Dufresne, Manuel Duval, Hendrick Cornelis Heus, and Laszlo Kristof Takacs are also listed as inventors on the above-captioned application and they have all signed the Declaration for the above-captioned patent application.
5. All of the inventors, including Eric Glémet, have assigned their entire rights and interests in said application to Gene-IT. Such assignment was recorded on April 21, 2004 at Reel 014538 and Frame 0215.
6. Eric Glémet is no longer in the employment of Gene-IT.
7. On September 22, 2004, the undersigned sent, by Federal Express, a copy of the above captioned patent application and a copy of the Declaration for Patent Application

("Declaration") to Eric Glémet for signature. The letter requested that an executed copy of the Declaration be returned to undersigned by October 6, 2004. A copy of the undersigned's letter, the Federal Express Waybill, and a print out of the Federal Express Tracking website are attached hereto as Exhibit A. The letter was received and signed for by M. Glémet on September 24, 2004.

8. Eric Glémet has not responded to the letter sent by undersigned on September 22, 2004.
9. To date, the undersigned has not yet received the executed Declaration document from Eric Glémet.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

October 19, 2004
DATE


NAME: Jennifer R. Holmes, Ph.D.
Agent for Applicants

**Statement of Facts Submitted by Jennifer Holmes
in Support of a Petition Under 37 C.F.R. §1.47**

Jennifer K. Holmes, Ph.D.
Patent Agent
Boston Office
617.832.1770
jholmes@foleyhoag.com

September 22, 2004

Mr. Eric Glemet
4 rue Moliere
Courbevoie, FRANCE
92400

Re: Declaration for Patent Application
Entitled: *Systems and Methods for Sequence Comparison*
Filed: November 26, 2003
By: Codani et al.
Assignee: Gene-IT
Our Reference: GIO-1.01

Dear Mr. Glemet:

Enclosed please find copies of the patent application entitled "Systems and Methods for Sequence Comparison," which lists you as an inventor based on your work as an employee of Gene-IT and a Declaration for Patent Application relating to this application.

We request that you review the enclosed Application and sign and date the Declaration document where indicated. Upon execution of the documents, please return them in the enclosed prepaid FedEx envelope. As time is of the essence in the prosecution of this Application, please return the executed documents to us by October 6, 2004.

If you are being represented by counsel, we would be happy to provide a copy of the enclosed documents to him or her. Please provide us with his name and address if you would like us to do this.

Your anticipated courtesy and cooperation in this matter is greatly appreciated.

Sincerely,


Jennifer K. Holmes

Enclosures

cc: Ronald Ronauro (w/o enclosures)
Jean-Jacques Codani, Ph.D. (w/o enclosures)

FHBOSTON/1108853.1

From: Origin ID: BVYA (617) 988-3584
Patricia Henderson
Foley Hoag LLP
155 Seaport Boulevard

Boston, MA 02210
UNITED STATES



Ship Date: 22SEP04
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BILL SENDER

Eric Glemet

4 rue Moliere

Courbevoie, 92400

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DESC-1: legal documents
DESC-2:
DESC-3:
DESC-4:
SED: NDR30.55(h)
COUNTRY MFG:
CARRIAGE VALUE: 0.00 USD
CUSTOMS VALUE: 0.00 USD
T/C: S 002141400 D/T: S 002141400
SIGN: Patricia Henderson
EIN/VAT:

INTL PRIORITY PAK

TRK# 7920 9556 7210

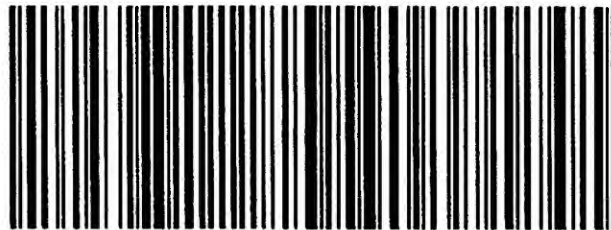
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Country ~~XXXX~~ FRANCE ZIP ~~XXXXXX~~ 92400
Postal Code ~~XXXXXX~~

2 To	Recipients Name	Jennifer K. Holmes	Phone	617-832-1770
------	--------------------	--------------------	-------	--------------

Company **Foley Hoag LLP**

Address 155 Seaport Blvd

Address

City Boston State MA

ZIP 02210
Postal Code

Recipient's Tax I.D. number for Customs purposes
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Signed for by M.GLEMET
Ship date Sep 22, 2004
Delivery date/time Sep 24, 2004 9:47 am

Delivered to
Delivery location COURBEVOIE FR
Service type Priority Pak

Date/Time	Status	Location	Comments
Sep 24, 2004	9:47 am Delivered	COURBEVOIE FR	
	8:32 am On FedEx vehicle for delivery	GENNEVILLIERS FR	
	6:59 am Arrived at FedEx Destination Location	GENNEVILLIERS FR	
Sep 23, 2004	10:55 pm Left FedEx Sort Facility	PARIS FR	
	9:05 pm Package status	PARIS FR	Package available for clearance
	9:05 pm Package status	PARIS FR	Released for Delivery
	9:05 pm Arrived at Sort Facility	PARIS FR	
	8:29 pm Arrived at FedEx Ramp	ROISSY FR	
	8:02 pm Left FedEx Sort Facility	ROISSY FR	
Sep 22, 2004	5:29 am Left FedEx Sort Facility	NEWARK NJ	
	2:59 am Left FedEx Sort Facility	NEWARK NJ	
	10:31 pm Left FedEx Ramp	EAST BOSTON MA	
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Codani, Jean-Jacques et al.) Attorney Docket No.: GIO-1.01
Serial No.: 10/723,522) Art Unit: Not yet assigned
Filing Date: November 26, 2003) Examiner: Not yet assigned
For: *Systems and Methods for Sequence Comparison*

STATEMENT OF FACTS SUBMITTED BY JEAN-JACQUES CODANI
IN SUPPORT OF PETITION UNDER 37 C.F.R. § 1.47

The undersigned submits the following statement of facts in support of the Petition under 37 C.F.R. § 1.47:

1. I am an inventor of the above-captioned application along with Eric Glémet, Guillaume Dufresne, Manuel Duval, Hendrick Cornelis Heus, and Laszlo Kristof Takacs.
2. I reside at 10, rue du Fort, Rueil-Malmaison, France 92500.
3. I am currently employed by Gene-IT and work primarily at Gene-IT's French headquarters located at 147, Avenue Paul Doumer, Rueil Malmaison, France 92500.
4. I have assigned all of my rights and interests in the above-captioned application to Gene-IT. Such assignment was recorded on April 21, 2004 at Reel 014538 and Frame 0215. All of the other inventors, including Eric Glémet, have also assigned their rights and interests in this application to Gene-IT.
5. On September 17, 2004, I contacted Eric Glémet via telephone and requested that he sign the Declaration for the above-captioned patent application. Mr. Glémet said that he was unhappy with the circumstances surrounding his departure from Gene-IT and had no interest in signing the Declaration. Mr. Glémet indicated that he would consider signing the Declaration if he was provided with compensation from Gene-IT. I informed Mr. Glémet that payment of compensation would be against Gene-IT's company policy.
6. On September 27, 2004, I met with Mr. Glémet in person at Gene-IT's headquarters in Rueil Malmaison, France. Mr. Glémet requested an explanation about the letter he had

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received from Gene-IT's patent counsel, Foley Hoag, LLP, enclosing a copy of the above-captioned patent application and the Declaration and requesting that Mr. Glémet execute the Declaration. I explained to Mr. Glémet that execution of the Declaration by the inventors of the above-captioned application was an official procedure required by the United States Patent and Trademark Office to proceed with prosecution of the application. Mr. Glémet informed me that he had no interest in signing the Declaration.

7. On October 7, 2004, I again met with Mr. Glémet in person at Gene-IT's headquarters in Rueil Malmaison, France. Mr. Glémet confirmed that he would not be executing the Declaration for the above-captioned patent application.
8. To date, the undersigned has not yet received the executed Declaration document from Eric Glémet.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Oct, 18th, 04
DATE


NAME: Jean-Jacques Codani